

IN THE UNITED STATES DISTRICT COURT
FOR NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISIONAPRIL AARON-BRUSH and GINGER
AARON-BRUSH,*Plaintiffs,*

vs.

LUTHER STRANGE in his official capacity as
Attorney General of Alabama, *et al.*,*Defendants.*

Case No.: 2:14-cv-01091-RDP

PLAINTIFFS' MOTION FOR ATTORNEYS' FEES

Pursuant to Rule 54 of the Federal Rules of Civil Procedure, 42 U.S.C. § 1983, and 42 U.S.C. § 1988, Plaintiffs hereby move the Court for an award of their attorneys' fees and non-taxable costs in this matter. Plaintiffs fairly estimate that they will seek to recover approximately \$149,382.00 in attorneys' fees and approximately \$606.30 in non-taxable costs they incurred in this case, in addition to time spent seeking the recovery.

Plaintiffs request that the Court set a briefing schedule on this motion and, pursuant to Fed.R.Civ.P. 42(b), bifurcate briefing the issue of entitlement of fees from the amount of fees. Rule 42(b) gives the Court discretion to bifurcate issues and claims “[f]or convenience, to avoid prejudice, or to expedite and economize.” Fed.R.Civ.P. 42(b). Bifurcation here would satisfy both the convenience and expeditious purposes of the Rule. The Court's time would be greatly economized

because the parties may come to an agreement on the amount of fees should the Court determine that Plaintiffs are entitled to an award of fees.

Respectfully submitted,

s/Randall C. Marshall

Randall C. Marshall (ASB-3023-A56M)
Avery C. Livingston (ASB-3780-G22R)
Brock Boone (ASB-2864-L11E)
ACLU of Alabama Foundation
P.O. Box 6179
Montgomery, AL 36106-0179
334-265-2754
rmarshall@aclualabama.org
alivingston@aclualabama.org

Chase Strangio**

James Esseks**
ACLU Foundation
125 Broad Street, 18th Floor
New York, New York 10004
212-284-7320
cstrangio@aclu.org
jesseks@aclu.org

** Admitted *pro hac vice*.

Wendy Brooks Crew (ASB-5609-e42w)
The Crew Law Firm
2001 Park Pl Ste 550
Birmingham, AL 35203-2714
205-326-3555
wbcrew4@aol.com

Joel E. Dillard (ASB-5418-R62J)
Baxley, Dillard, McKnight & James
2008 Third Avenue South
Birmingham, Alabama 35233
205-271-1100
JDillard@BaxleyDillard.com

Joshua S. Segall (ASB-9123-O78S)
Post Office Box 4236
Montgomery, AL 36103
334-324-4546
Joshua.segall@segalllaw.net

Robert D. Segall (ASB-7354-E68R)
Copeland, Franco, Screws & Gill, P.A.
P.O. Box 347
Montgomery, Alabama 36101-0347
334-834-1180
segall@copelandfranco.com

Edward Still (ASB-4786-i47w)
Edward Still Law Firm LLC
429 Green Springs Hwy, STE 161-304
Birmingham, AL 35209
205-320-2882
still@votelandlaw.com

Cooperating Attorneys for the ACLU of Alabama Foundation

CERTIFICATE OF SERVICE

I hereby certify that on October 26, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record for defendants:

James W. Davis (ASB-4063-I58J)
Laura E. Howell (ASB-0551-A41H)
Assistant Attorneys General

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL
501 Washington Avenue
Montgomery, Alabama 36130-0152
(334) 242-7300
(334) 353-8440 (fax)
jimdavis@ago.state.al.us
lhowell@ago.state.al.us

Attorneys for Defendants Bentley,
Strange, Magee, and Richardson

David B. Byrne, Jr.
Chief Legal Advisor
STATE OF ALABAMA
OFFICE OF THE GOVERNOR
Alabama State Capitol
600 Dexter Avenue, Ste. NB-05
Montgomery, Alabama 36130
(334) 242-7120
david.byrne@governor.alabama.gov

Additional Counsel for Governor
Bentley

J. Haran Lowe
Timothy L. McCollum
STATE OF ALABAMA
DEPARTMENT OF PUBLIC SAFETY
Legal Unit
P.O. Box 1511
Montgomery, AL 36102-1511
(334) 242-4392
haran.lowe@dps.alabama.gov
tim.mccollum@dps.alabama.gov

Additional Counsel for Defendant
Richardson

/s Randall C. Marshall

Randall C. Marshall